

**IN THE UNITED STATES DISTRICT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

FAROUK SYSTEMS, INC.

Plaintiff,

vs.

MONICA CONTRERAS,
INDIVIDUALLY and D/B/A
FUNKYFRESH411 and PINKLADY7659

Defendant.

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CIVIL ACTION 4:08-cv-01476

FINAL JUDGMENT AND PERMANENT INJUNCTION

Plaintiff, FAROUK SYSTEMS, INC., ("Plaintiff"), having moved for entry of default and entry of default judgment, and the Court, having reviewed the pleadings and evidence submitted therewith and, finding that Defendant has failed to file any pleading responsive to Plaintiff's Complaint, finds that Plaintiff's motion should be granted in its entirety.

It is therefore ORDERED ADJUDGED and DECREED that Plaintiff's Motion for Entry of Default and Entry of Default Judgment is GRANTED. As authorized by 15 U.S.C. § 1117(c)(2), Plaintiff is awarded statutory damages in the amount of One hundred Thousand dollars and no cents (\$ 100,000.00) due to Defendant's willful infringement of Plaintiff's trademark rights. Plaintiff is also award post-judgment interest at a rate of 0.49 % per annum from the date of this Final Judgment. As this action is an exceptional case under 15 U.S.C. § 1117(a), Plaintiff is also awarded its attorney's fees and costs in an amount of \$12,531.25, and \$536.85, respectively, as authorized by 15 U.S.C. §§ 1117(a) and/or 1117(b).

It is further ORDERED, ADJUDGED, and DECREED that:

1. Defendant is permanently enjoined from advertising, promoting, representing, offering for sale, or selling any hair care product bearing, displaying, or advertising under: (a)

the trademark CHI; (b) the trademark CHI of U.S. Trademark Registration No. 2,660,257; U.S. Trademark Registration No. 3,107,769; U.S. Trademark Registration No. 3,426,769; and/or of U.S. Trademark Application Serial No. 76/512,597; (c) the trademark ULTRA CHI of U.S. Trademark Application Serial No. 78/622,448; (d) the trademark CHI NANO of U.S. Trademark Application Serial No. 77/055,581; or (e) the trademark BIOCHI of U.S. Trademark Application Serial No. 77/265,353 (collectively the "Farouk Systems Trademarks"), unless such hair care products are obtained by Defendant from Farouk Systems, Inc.

2. Defendant is permanently enjoined from advertising, promoting, representing, offering for sale, or selling any hair care product as being sponsored by, associated with, affiliated with, or connected to Farouk Systems, Inc., unless such hair care products are obtained by Defendant from Farouk Systems, Inc.


3. Defendant is permanently enjoined from representing to the public that she is authorized by Farouk Systems, Inc. to promote, advertise, sell, or offer for sale any hair care product bearing, displaying, or advertised under the Farouk Systems Trademarks; and

4. Defendant is permanently enjoined from advertising, promoting, selling, offering for sale, or in any other way representing to the public that any hair care products, not originating from Farouk Systems, Inc., are associated with, sponsored by, connected with, or affiliated with Farouk Systems, Inc.

It is further ORDERED, ADJUDGED, and DECREED that this Final Judgment and Permanent Injunction is binding on Defendant, her representatives, successors, and assigns.

This is a Final Judgment.

SIGNED on this 6TH day of February, 2009, at Houston, Texas.


Ewing Welein Jr.
United States District Judge